

Following several years of decline, Azerbaijan's media environment deteriorated more sharply in 2014 as the government pursued a harsh campaign to silence criticism and dissent. The authorities used spurious charges and investigations to shut down media organizations and detain several prominent journalists, bloggers, and freedom of expression advocates. Violence against journalists continued throughout the year, and impunity for attacks remained the norm. The crackdown on freedom of expression and other human rights occurred even as Azerbaijan chaired the Committee of Ministers of the Council of Europe from May to November.

## Legal Environment

The rights to freedom of speech and access to information are guaranteed by the constitution, the Law on Mass Media, and the Law on the Right to Obtain Information. However, these rights are severely restricted in practice. Defamation remains a criminal offense, punishable by up to three years in prison and large fines. Disseminating information that damages the honor and dignity of the president can be punished with up to two years in prison, or up to five years when linked to accusations of other criminal activity. In 2013, laws governing defamation were extended to include internet content.

The government and political elite use defamation charges as one of many legal means of punishing individual journalists and stifling independent and opposition media through financial pressure. The opposition newspaper *Azadliq* has been a frequent target of defamation claims in recent years, and the financial strain caused by associated legal proceedings and penalties contributed to the paper's suspension of its print version in July 2014. In October, a defamation trial began in Baku against investigative journalist Khadija Ismayilova, a contributor to Radio Free Europe/Radio Liberty (RFE/RL) whose reports have focused on corruption within the government and President Ilham Aliyev's family. The case was based on charges brought by a former opposition leader. Ismayilova has long been a target of harassment by the government and its supporters, including blackmail and online smear campaigns.

Various other criminal laws—including those pertaining to hooliganism, drug and weapons possession, treason, and tax evasion—are regularly used by authorities to suppress and punish critical reporting.

The government has failed to appoint a special information ombudsman as required by 2005 freedom of information legislation, transferring the role instead to an existing ombudsman's office. Authorities at all levels systematically refuse to respond to information requests. Lawsuits filed by media outlets and civil society representatives over state agencies' failure to act on information inquiries generally do not yield any results. After RFE/RL published a series of investigative reports in 2012 that implicated Aliyev and his family in large-scale corruption, the parliament passed several amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets. The changes allow commercial enterprises to withhold information about their registration, ownership, and structure, severely limiting the ability of investigative journalists to uncover corruption in the corporate sector and identify the private assets of public figures.

The government nominates all nine members of the National Television and Radio Council (NTRC), the country's media regulator, and members' terms may be renewed indefinitely. In 2014 there were only seven active members. The council has been criticized for demonstrating a bias toward state-owned broadcasters in licensing procedures. The process of broadcast licensing is opaque; the NTRC has repeatedly failed to publish the list of available television and radio frequencies, despite its obligation to do

so annually. The British Broadcasting Corporation, RFE/RL, and Voice of America have been off local airwaves in Azerbaijan since 2009, when NTRC regulations banned foreign broadcasters from accessing national frequencies, though the services still broadcast online and via satellite. The NTRC also interferes with the editorial policies of domestic media outlets. In 2012, the council banned all foreign television shows from Azerbaijani channels.

Amendments to the Law on Grants and the Law on Nongovernmental Organizations, enacted in February and November 2014, respectively, restrict the ability of local nongovernmental organizations (NGOs)—including media rights groups—to receive grants and foreign funding.

The Institute for Reporters' Freedom and Safety (IRFS) and the Media Rights Institute, Azerbaijan's leading media watchdogs, ceased operations in August 2014 after their offices were shuttered by security forces, who seized property and equipment as part of criminal investigations. The closures followed weeks of harassment by the authorities, including the freezing of the organizations' bank accounts and allegations of unpaid taxes and fines. One of the most prominent IRFS projects in Azerbaijan was Obyektiv TV, an online news channel that had provided daily coverage of stories related to freedom of expression and human rights since 2010.

Authorities also pressured international organizations, a number of which were forced to close their Baku offices in 2014. The International Research and Exchanges Board (IREX) ceased operations in Azerbaijan in September after its office was raided, its equipment seized, and its bank account frozen in connection with a criminal investigation. IREX had been working to strengthen independent media in Azerbaijan.

## Political Environment

Azerbaijan's political environment is dominated by Aliyev and leaders of the ruling party, who exercise extensive control over the news and information content of state-run and state-friendly outlets. The authorities use various methods to censor the media, even though official censorship has been banned since 1998. For example, legal amendments adopted in 2009 restrict the ability of journalists to film or photograph individuals without their consent, even at public events.

In recent years, the government has increased its monitoring of internet activity and harassment of social-media activists, journalists, and bloggers. Media freedom watchdogs have expressed particular concern about the government's surveillance of journalists' internet and telephone communications. While official content blocking is relatively rare in Azerbaijan, authorities actively use offline intimidation to deter online criticism, and some technical interference has been attributed to state agencies. In 2013 authorities reportedly blocked an image-sharing website where leaked documents from the state security services had been posted. Independent media outlets, including *Azadliq* and RFE/RL, have reported denial-of-service attacks in the past.

Following a spate of arrests, eight journalists remained behind bars at the end of 2014, despite a presidential pardon in late December that freed *Nota Bene* newspaper editor in chief Sardar Alibeyli and *Khural* newspaper editor in chief Avaz Zeynalli. Rauf Mirkadirov, a correspondent for the Russian-language newspaper *Zerkalo*, was arrested in Turkey in April and deported to Azerbaijan, where he was charged with espionage and placed in pretrial detention. Officials based the charge on his travels to Armenia, Georgia, and Turkey, accusing him of revealing Azerbaijani state secrets to Armenian authorities. Mirkadirov's pretrial detention was extended multiple times during the year. *Azadliq* reporter Seymur Hezi, known for his criticism of state policies, was arrested in August on a hooliganism charge, accused of

assaulting a stranger; Hezi disputed the claim, saying that he was acting in self-defense. Ismayilova was arrested in December for allegedly driving a former coworker to attempt suicide—a charge that was denied by Ismayilova and widely criticized by international watchdogs as spurious. Several bloggers and social-media activists were also jailed during the year, most on trumped-up drug charges. Blogger Elsevar Mursalli, who had been imprisoned for alleged drug possession, was released by presidential pardon in October.

The crackdown on journalists was accompanied by the intimidation and arrest of freedom of expression advocates, and many fled the country or went into hiding out of concern for their safety. Human rights defenders Intigam Aliyev, Rasul Jafarov, and Leyla Yunus were arrested in July and August on charges including treason, illegal entrepreneurship, abuse of office, and tax evasion. Prior to their arrests, the three had led human rights groups that worked to promote and protect freedom of expression. The operations of these groups—the Human Rights Club, headed by Jafarov; the Institute for Peace and Democracy, headed by Yunus; and the Legal Education Society, headed by Aliyev—were severely impeded after their leaders were arrested. IRFS director Emin Huseynov went into hiding in August to escape charges of tax evasion and illegal entrepreneurship. Prison conditions are dire for journalists and for political prisoners in general, featuring routine ill-treatment and denial of medical care.

The government delivered a major blow to independent reporting in December, when security forces searched and closed the Baku office of RFE/RL in connection with a trumped-up criminal case. Authorities also targeted RFE/RL's journalists individually, visiting their homes and taking them to state facilities for questioning.

Threats and physical attacks against journalists continued in 2014, and impunity for past cases of violence remained the norm. The 2005 murder of *Monitor* magazine editor in chief Elmar Huseynov and the 2011 murder of prominent journalist and writer Rafiq Tagi are still unsolved. In August 2014, independent journalist Ilgar Nasibov was severely beaten in his office in the Azerbaijani exclave of Nakhchivan, sustaining a concussion, broken bones, and loss of vision in one eye.

## Economic Environment

The print and broadcast media are almost entirely in the hands of the government and its allies, sometimes controlled through nominal intermediaries. The lack of laws to facilitate transparency in the private sector makes it difficult to identify the true owners or beneficiaries of news outlets. There are nine national television stations, including a public broadcaster and three other state-run stations; more than a dozen regional television stations; and about 25 radio stations. More than 30 daily newspapers are registered, and the opposition papers *Yeni Musavat* and *Azadlıq* are the most widely read.

The handful of independent and opposition media outlets that continue to operate are struggling for survival. The authorities use economic pressure on distribution, printing, and advertising to control the print, broadcast, and online media industries. In May 2014, *Zerkalo* announced that it would cease publication of a print edition due to financial losses caused by state control of the advertising market and distribution networks. Opposition newspapers were hit particularly hard by the removal of newspaper kiosks owned by the Qasid and Qaya distribution companies from central Baku in 2012. Opposition outlets are also subject to other forms of economic pressure, including exorbitant fines resulting from defamation suits. The allocation of state advertising and state subsidies is not conducted transparently. Most journalists work without employment security or contracts, and receive irregular salaries.

Online media, including internet-based television, have grown in importance in recent years, and internet penetration has risen substantially, to 61 percent of the population in 2014. However, internet access is concentrated in Baku and other major cities. Blogs and social-media platforms such as Facebook and Twitter are still used to share critical opinions on the government and illuminate subjects that are often ignored in the mainstream media, but such activity has been effectively deterred in the past few years by legal provisions criminalizing defamation online and the politically motivated arrests of bloggers and activists.